

Appln. No.: 09/725,713
Response/Amendment dated January 11, 2006
Response to Final Office Action dated October 11, 2005

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REMARKS/ARGUMENTS

Claims 1-23 and 49-58 are pending in the application. Claims 1-23 are rejected. Through this Response and Amendment, claim 1 has been amended and claims 49-58 have been withdrawn from consideration. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Restriction/Election

The Office Action alleges that Claims 49 – 58 are directed to an invention that is independent or distinct from the invention originally claims as the claims recite different species of authorization information that may be used to actuate the output device. The Applicants withdraw claims 49 – 58 from consideration and continue to prosecute claims 1 – 48, however, reserve the right to later request that claims 49 – 58 be rejoined to the application upon allowance of independent claims 1 and 19, from which the claims depend.

Claim Objection

Claims 1 is objected to due to the phrase “integrated circuit” failing to recite “card”. The Applicants thank the Examiner for noticing this inadvertent oversight and have amended Claim 1 to recite a “integrated circuit card”.

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Claim Rejections – 35 USC § 112

Claims 1-23 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Office Action again asserts the phrase “the content is not provided from the integrated circuit cards” is not disclosed in the specification originally filed on 11/30/2000. The Applicants respectfully traverse the rejection in view of the Remarks below.

The Office Action alleges that the Specification as filed on 11/30/2000 does not explicitly set forth “a definite exclusion of [*sic*] IC card as a content provider nor [*sic*] it provide a firm basis for the exclusion if IC card as [*sic*] content provider.” Office Action dated 10/11/2005; page 4. The Applicants respectfully disagree for at least the following reasons. First, the Office Action admits the Specification states “[t]he content provider might be a database at a kiosk which includes the host and the user IC card interfaces. Alternatively, the content provider might be remote from the kiosk.” *Id.* at 3. As one skilled in the art will readily appreciate, if the content provider is remote from the kiosk that has the host and the user IC card interfaces, then in such an embodiment, there is a firm basis for the exclusion of the IC cards as content providers. Along these lines, Figure 1 shows an exemplary electronic content delivery system that shows a host IC card interface (48) receiving a host IC card (62) containing first authorization information and a second IC card interface (50) receiving a user IC card (64) containing second authorization information. Distinctly separated from the host cards is a multimedia database (44) that houses the multimedia files. Therefore, for at least the above reasons and those previously set forth in earlier Responses, the Applicants respectfully request reconsideration and withdrawal of the rejection.

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Claim Rejections – 35 USC § 103

Claims 1-23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ramachandran et al. (U.S. Pat. No. 6,457,640), hereinafter referred to as the '640 patent in view of Handelman et al. (U.S. Pat. No. 6,298,441), hereinafter, referred to as the '441 patent. The Applicants respectfully traverse the rejection in view of the Remarks below.

The Office Action alleges that the '640 patent discloses a multimedia delivery system having, *inter alia*, a control unit for actuating said output device to provide the content of a multimedia file. Neither references, however, teach, disclose, or otherwise suggest the control unit as recited in the rejected claims. For example, representative claim 1 provides:

a control unit, responsive to the host and user integrated circuit cards being received in the first and second integrated circuit card interfaces, which compares the first and second authorization information and when the first and second authorization information is found to be compatible, actuates said output device to provide the content of the at least one multimedia file from the content provider selected by said input device under control of the authorization information which authorizes downloading of the at least one authorized multimedia file through the output device

Neither the '441 patent nor the '640 patent suggest a control unit that compares a first authorization information with a second authorization information, that upon being compatible, actuates an output device to provide content of at least one multimedia file selected by the input device. Indeed, the ATM of the '640 patent can at most be considered to have a first integrated circuit with at most a first authorization information. Along these lines, the invention of the '640 patent seems to teach away from the efficiency and user-friendly aspects of the rejected claims. It is directed to increasing the profitability of traditional ATMs by allowing users to browse and potentially download multimedia files in addition to being provided financial services. In contrast, as provided in the originally filed specification of the instant application, "[t]here is no need for browser software in the terminal for downloading purposes.

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So instead of surfing on the spot, the only active operation the user has to do is to insert a card, or information relating to the card, in the terminal." (Specification, page 6, lines 11 - 13). The '640 patent does not disclose, teach, or otherwise suggest an automatic actuation of the output device to provide at least one multimedia file. This limitation is not taught or otherwise suggested by the '441 patent.

While the '441 patent may be interpreted as having a first and a second integrated circuit card, there is no actuation of the output device as recited in the rejected claims. Indeed, the first integrated circuit card appears to provide information relating to the service provider whereas the second integrated circuit card relates to parental control over several possible channels that may be viewed upon being manually selected. For example, when the second card is engaged, all the channels that are provided by the service provider are available for viewing, whereas without the card engaged, only a subset, (those approved by the parental controls) are available for viewing. As explicitly provided in the Specification cited by the Office Action, "[i]f the main card is removed from card receptacle 24 none of the transmitted programs [are] decrypted. However, if the parent card is removed from card receptacle 26 only programs which are restricted for viewing under parental control are not decrypted." (The '441 patent, Col. 8, lines 5-9) Again, the user must still browse channels to choose programming they wish to view, in contrast to the present invention. Therefore, for at least those reasons discussed above and in previous Responses, the Applicants respectfully request reconsideration and withdrawal of the rejection.

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CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: January 11, 2006

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